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November 30, 2007

Honorable Victor Marrero  
United States District Courthouse  
500 Pearl Street, Room 660  
New York, New York 10007

Re: Wausau Underwriters, et al.  
vs. QBE Insurance Corp., et al.  
Docket # 06 CIV 3212 (VM)

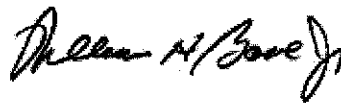
Dear Magistrate Judge Marrero:

The undersigned represents QBE in this matter. Magistrate Judge Katz recently conferenced the case. During the conference it became apparent that the parties are unable to agree on the effect of your decision filed on July 27, 2007. It is QBE's position that while the Court ruled that QBE has a duty to defend the other insurers have the same duty.

In order to bring this litigation to a conclusion, QBE believes it is necessary for the Court to decide all remaining coverage issues. This would include the priority of coverage and duty to defend for all insurers. It is requested that the Court grant permission allowing QBE to make the motion to bring these issues before the Court.

Respectfully yours,

WILSON, BAVE, CONBOY, COZZA &  
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WILLIAM H. BAVE, JR.

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Page 2

cc: Honorable Theodore Katz  
United States District Courthouse  
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